AP/ZFW

Attorney Docket No. 088305-0132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant:	Matthew ROZEK, et al.
Title:	TRACKING STATUS OF INBOUND TRADING PARTNER DOCUMENTS
Appl. No.:	09/748,125
Filing Date:	12/27/2000
Examiner:	Kyle R. Stork
Art Unit:	2178
Confirmation No.	4154

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Sir:

Under the provisions of 37 C.F.R. § 41.37, this Appeal Brief is being filed together with a credit card payment form in the amount of $500.00 covering the 37 C.F.R. 41.20(b)(2) appeal fee. If this fee is deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account 19-0741.

1. REAL PARTY IN INTEREST

The real party in interest is GXS, Inc. (with a principle place of business in Gaithersburg, Maryland), which is changed name of the assignee of record, G.E. Information Services, Inc., a corporation under the laws of the State of Delaware.

2. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect, be directly affected by or have a bearing on the present appeal, that are known to appellant, the assignee,

or the appellant's patent representative. The Related Proceedings Appendix (Section 10), attached hereto, states "None".

3. STATUS OF CLAIMS

The present appeal is directed to claims 1-22 which are the claims under consideration. A copy of the pending claims 1-22 are attached herein in the Claims Appendix (Section 8).

Claims 1, 2, 6, 7, and 11-20 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ricker et al. ("XML and EDI- Peaceful Co-Existence," 3 March 2000, available from www.archive.org, hereafter "Ricker") and further in view of U.S. Patent No. 5,572,670 (hereafter "Puckett").

Claim 3 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ricker and Puckett, and further in view of U.S. Patent No. 6,708,166 (hereafter "Dysart") and further in view of U.S. Patent No. 5,526,484 (hereafter "Casper").

Claim 4 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ricker, Puckett, Dysart, and Casper.

Claim 5 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ricker and Puckett, and further in view of Casper.

Claim 8 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ricker and Puckett, and further in view of U.S. Patent No. 4,945,479 (hereafter "Rusterholz").

Claim 9 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ricker and Puckett, and further in view of U.S. Patent No. 5,406,563 (hereafter "Loebig").

Claim 10 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ricker, Puckett, Loebig, and further in view of Casper.

Claims 21 and 22 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ricker and Puckett, and further in view of U.S. Patent No. 6,530,039 (hereafter "Yang").

4. STATUS OF AMENDMENTS

An initial office action was issued on May 6, 2004, to which applicants replied with an amendment filed on August 5, 2004. A final rejection was issued on January 27, 2005, to which applicants replied with an amendment filed on April 26, 2005. An advisory action was

issued on May 13, 2005, to which applicants replied by filing a RCE on May 24, 2005, in which applicants requested entry of the amendment filed on April 26, 2005. An office action issued on August 11, 2005, to which applicants replied with an amendment filed on November 9, 2005. A final rejection was issued on January 24, 2006, to which applicants filed a notice of appeal on April 24, 2006.

This appeal brief is being filed within the statutory two month period after the filing of the notice of appeal.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 recites a computer implemented process for tracking inbound documents received from trading partners in a business-to-business electronic commerce system. See Fig. 1 and page 5, lines 9-13. The process includes the steps of receiving an inbound document from a trading partner at a translator. See reference number 2 in figure 1 and page 5, lines 14-21. The translator checks compliance of the document for translation from a source format to a desired target format. See reference 3 in figure 1 and page 5, lines 23-24 and page 6, lines 4-6. The translator attempts translation of the document, and captures error data representing errors detected in the translation to a tracking database 9. See figure 1 (reference numbers 4 and 9), page 5, lines 24-25, and page 6, line 7 to page 10, line 25. The translator then extracts data from the received inbound document from the trading partner and uses it to provide an internal document identifier, and then saves the internal document identifier to the tracking database as an index for the error data, said internal document identifier correlated to the received inbound document from the trading partner. See figure 1 (reference numbers 5-7 and 9), page 5, lines 25-30, and page 10, line 27-32.

Independent claim 18 recites a computer implemented process for tracking inbound documents received from trading partners in a business-to-business electronic commerce system. See Fig. 1 and page 5, lines 9-13. The process includes receiving an inbound document from a trading partner at a translator. See reference number 2 in figure 1 and page 5, lines 14-21. The translator checks compliance of the document for translation from a source format to a desired target format. See reference 3 in figure 1 and page 5, lines 23-24 and page 6, lines 4-6. The process attempts translation of the document, and captures error data representing errors detected in the translation to a tracking database. . See figure 1

(reference numbers 4 and 9), page 5, lines 24-25, and page 6, line 7 to page 10, line 25. The error data is captured by writing values to variables in memory, the variables including a temporary variable which can only reference a single value, and in which upon assignment of a subsequent value said subsequent value is treated as a valid variable value, and a list variable which can reference a plurality of values, and in which said error data is mapped according to mapping rules in which a variable label in a rule declares the variable, and in which the error data includes an error code of a pre-stored set of error codes and associated descriptions. See page 7, lines 12-24 and page 8, lines 10-32. The process then extracts data from the received inbound document from the trading partner and uses it to provide an internal document identifier, and saves the internal document identifier to the tracking database as an index for the error data, the internal document identifier correlated to the received inbound document from the trading partner. See figure 1 (reference numbers 5-7 and 9), page 5, lines 25-30, and page 10, line 27-32.

Independent Claim 19 recites an electronic commerce system comprising a translator for tracking inbound documents from trading partners in a business-to-business electronic commerce system,. See page 4, lines 25-26, Fig. 1, and page 5, lines 9-13 . The system includes means for receiving an inbound document from a trading partner at a translator. See reference number 2 in figure 1 and page 5, lines 14-21. The translator is configured to check compliance of the document for translation from a source format to a desired target format. See reference 3 in figure 1 and page 5, lines 23-24 and page 6, lines 4-6. The translator attempts translation of the document, and captures error data representing errors detected in the translation to a tracking database. See figure 1 (reference numbers 4 and 9), page 5, lines 24-25, and page 6, line 7 to page 10, line 25. The translator is configured to extract data from the document and use it to provide an internal document identifier, and save the internal document identifier to the tracking database as an index for the error data, wherein the internal document identifier is correlated to the received inbound document from the trading partner. See figure 1 (reference numbers 5-7 and 9), page 5, lines 25-30, and page 10, line 27-32.

Independent claim 20 recites a computer program product, encoded on a computer readable medium, comprising software code that when executed on a digital computer, tracks inbound documents from trading partners in a business-to-business electronic commerce

system. See page 4, lines 25-26, Fig. 1, page 5, lines 9-13, and originally filed claim 20. The program product is configured for receiving an inbound document from a trading partner. See reference number 2 in figure 1 and page 5, lines 14-21. The program product is configured for checking compliance of the document for translation from a source format to a desired target format. See reference 3 in figure 1 and page 5, lines 23-24 and page 6, lines 4-6. The program product is configured for attempting translation of the document, and capturing error data representing errors detected in the translation to a tracking database. See figure 1 (reference numbers 4 and 9), page 5, lines 24-25, and page 6, line 7 to page 10, line 25. The program product is configured for extracting data from the received inbound document from the trading partner and using it to provide an internal document identifier, and saving the internal document identifier to the tracking database as an index for the error data, said internal document identifier correlated to the received inbound document from the trading partner. See figure 1 (reference numbers 5-7 and 9), page 5, lines 25-30, and page 10, line 27-32.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issue on appeal is whether the examiner erred:

in rejecting claims 1, 2, 6, 7, and 11-20 under 35 U.S.C. 103(a) as being unpatentable over Ricker in view of Puckett;

in rejecting claim 3 under 35 U.S.C. 103(a) as being unpatentable over Ricker and Puckett, and further in view Dysart and further in view of Casper;

in rejecting claim 4 under 35 U.S.C. 103(a) as being unpatentable over Ricker, Puckett, Dysart, and Casper;

in rejecting claim 5 under 35 U.S.C. 103(a) as being unpatentable over Ricker and Puckett, and further in view of Caspe;.

in rejecting claim 8 under 35 U.S.C. 103(a) as being unpatentable over Ricker and Puckett, and further in view of Rusterholz;

in rejecting claim 9 under 35 U.S.C. 103(a) as being unpatentable over Ricker and Puckett, and further in view of Loebig;

in rejecting claim 10 under 35 U.S.C. 103(a) as being unpatentable over Ricker, Puckett, Loebig, and further in view of Casper; and

in rejecting claims 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over Ricker and Puckett, and further in view Yang.

7. ARGUMENT

It is respectfully submitted that the applied rejections of the pending claims are erroneous for at least the following reasons.

Each of the independent claims 1, 18, 19, and 20 recite a system, method or program product that, *inter alia*, tracks errors in inbound documents received from trading partners in a business-to-business electronic commerce system in which a translator checks compliance of the document for translation from a source format to a desired target format, and (1) on attempting translation of the document, *error data detected in the translation* are captured to a tracking database. At least this recited feature is not disclosed or suggested by the applied prior art.

The final office action states that Ricker discloses this feature and cites to figure 9 and page 8 of Ricker. However, neither figure 9 or page 8 of Ricker (nor the rest of its disclosure) discloses or suggests (1) that the *translation* error (of an inbound document from a trading partner) is captured to a tracking database. Ricker merely discloses that "the translator uses the X12 data dictionary to transform an EDI message into an XML document...." However, nowhere does this disclosure teach or suggest that that the translation errors in the inbound document from a trading partner are captured to a tracking database.

Furthermore, nowhere does Ricker disclose or suggest that (2) an internal document identifier is saved to the tracking database that servers as an index for the translation error data. As had been noted previously, Puckett is not relevant to the claimed invention since it relates to a translator that translates low level error data (for example, binary records) stored in an error database to a more intelligible form and correlates higher level queries to the lower level error data stored in the error *log* database 168.. The error data stored in the error log database is derived from system *log* files in a mass data storage system. See col. 2, lines 17-20 and col. 3, lines 4-12 of Puckett. Therefore, the error processing in Puckett has nothing to do with the (1) claimed capturing of *translator error data* in a tracking database that represents errors in inbound document which are detected in the translation process.

Furthermore, since Puckett has nothing to do with an inbound trading partner document, it necessarily does not teach or suggest anything related to (2) an internal document identifier being saved to the tracking database that serves as an index for the translation error data.

Therefore, these recited features are not disclosed by either Ricker or Puckett and therefore also not disclosed by their reasonable combination. Since these deficiencies in Ricker and Puckett are not cured by any of the other applied references, the office action fails to make a *prima facie* case of obviousness as required by section 103.

In this context, it should be noted that the Patent Office (PTO) has the burden of proving each of the claimed features is shown by the prior art. An allegation that claimed subject matter is "obvious" (as here alleged) requires a positive, concrete teaching in the prior art, such as would lead a person skilled in the art to choose the claimed combination from among many that might be comprehended by broad prior art teachings. The PTO's review court has made it very clear that *silence* in a reference is hardly a substitute for clear and concrete evidence from which a conclusion of obviousness might justifiably flow. See, e.g., *Application of Burt*, 356 F.2d 115, 121 (CCPA 1966).

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

In this context, it appears that the rejections in the office action of claims 11 and 12, for example, appear to be erroneous. The office action states with respect to the features of claim 11, that "these errors can be errors about the storage system or simply routine observations about the storage system." However, equating the errors related to the "storage system" to the claimed document information is incorrect since one skilled in the art of either computing systems or e-commerce systems would not equate a trading partner document to a storage system disclosed by Puckett. Likewise, the rejection of claim 12 does not indicate how *translation* errors in trading partner documents are correlated to variables and stored referenced to the internal document identifiers (which are not disclosed by any of the applied references).

Claims 21 and 22 recite that translation error data of an inbound document of a trading partner is used to provide information *to* the trading partner based on the identified translation error data. The final office action relies on Yang to disclose this feature and cites

to col. 9 of Yang and a table which is presumably the code fragment disclosed in col. 9 of Yang. However, Yang is completely irrelevant to the features recited in these claims. The cited portion of Yang relates to a process flow in the translation of command strings in a test script and is completely unrelated to identifying translation error data from trading partner documents or to providing information to trading partners based on the identified translation error data. Accordingly, these features provide additional reasons for the patentability of claims 21 and 22.

Therefore, these features recited in the dependent claims discussed above are also not disclosed or suggested by the applied prior art and they provide additional reasons for the patentability of these claims.

Conclusion

In view of above, appellants respectfully solicit the Honorable Board of Patent Appeals and Interferences to reverse the rejections of the pending claims and pass this application on to allowance.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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8. CLAIMS APPENDIX

LIST OF THE PENDING CLAIMS (WITH STATUS IDENTIFIERS)

1. (Previously Presented) A computer implemented process for tracking inbound documents received from trading partners in a business-to-business electronic commerce system, the process comprising the steps of:

(a) receiving an inbound document from a trading partner at a translator;

(b) the translator checking compliance of the document for translation from a source format to a desired target format;

(c) attempting translation of the document, and capturing error data representing errors detected in the translation to a tracking database; and

(d) extracting data from the received inbound document from the trading partner and using it to provide an internal document identifier, and saving the internal document identifier to the tracking database as an index for the error data, said internal document identifier correlated to the received inbound document from the trading partner.

2. (Previously Presented) A process as claimed in claim 1, wherein step (b) comprises attempting recognition of syntax formats within a document data stream for compliance with configured formats, and reconfiguring the translator based on the attempted recognition of the syntax format.

3. (Original) A process as claimed in claim 1, wherein step (c) comprises parsing the received inbound document field-by-field and, for each field, checking the string byte size and delimiter characters.

4. (Original) A process as claimed in claim 3, wherein step (c) further comprises checking sequence of fields against allowable record field groupings including required, optional, or conditional fields.

5. (Original) A process as claimed in claim 1, wherein the translator generates error data in step (c) for field character set, character size, and delimiters and continues translation processing.

6. (Original) A process as claimed in claim 1, wherein the process is interrupted in step (c) with a return to a document data stream if an error relating to document structure is identified.

7. (Original) A process as claimed in claim 1, wherein an error is detected at the stage of a mapping process in which a field of a target document is not populated.

8. (Original) A process as claimed in claim 7, wherein the translation process is aborted if a target document field is not populated.

9. (Original) A process as claimed in claim 1, wherein step (c) comprises identifying errors after construction of a target document and output of said document through a stream.

10. (Original) A process as claimed in claim 9, wherein step (c) comprises identifying field attribute, truncation, and character set errors after construction of a target document.

11. (Original) A process as claimed in claim 1, wherein the step (d) comprises extracting data from both a document's enveloping information and from within the document.

12. (Original) A process as claimed in claim 1, wherein error data is captured by writing values to variables in memory, and subsequently saving said values to the tracking database referenced to the internal document identifiers.

13. (Original) A process as claimed in claim 12, wherein the memory variables include a temporary variable which can only reference a single value, and in which upon assignment of a subsequent value said subsequent value is treated as a valid variable value.

14. (Original) A process as claimed in claim 12, wherein the memory variables include a list variable which can reference a plurality of values.

15. (Original) A process as claimed in claim 12, wherein error data is mapped to said variables according to mapping rules.

16. (Original) A process as claimed in claim 15, wherein each variable has a label, and referencing a label of a variable in a mapping rule declares said variable.

17. (Original) A process as claimed in claim 1, wherein the step (c) comprises generating an error code indicating the nature of the error, there being a pre-stored set of error codes and associated descriptions.

18. (Previously Presented) A computer implemented process for tracking inbound documents received from trading partners in a business-to-business electronic commerce system, the process comprising the steps of:

(a) receiving an inbound document from a trading partner at a translator;

(b) the translator checking compliance of the document for translation from a source format to a desired target format;

(c) attempting translation of the document, and capturing error data representing errors detected in the translation to a tracking database; and in which said error data is captured by writing values to variables in memory, said variables comprising:

a temporary variable which can only reference a single value, and in which upon assignment of a subsequent value said subsequent value is treated as a valid variable value, and

a list variable which can reference a plurality of values,

in which said error data is mapped according to mapping rules in which a variable label in a rule declares the variable, and in which the error data includes an error code of a pre-stored set of error codes and associated descriptions; and

(d) extracting data from the received inbound document from the trading partner and using it to provide an internal document identifier, and saving the internal document identifier to the tracking database as an index for the error data, said internal document identifier correlated to the received inbound document from the trading partner.

19. (Previously Presented) An electronic commerce system comprising a translator for tracking inbound documents from trading partners in a business-to-business electronic commerce system, the system comprising:

means for receiving an inbound document from a trading partner at a translator;

the translator configured to:

check compliance of the document for translation from a source format to a desired target format;

attempt translation of the document, and capture error data representing errors detected in the translation to a tracking database; and

extract data from the document and using it to provide an internal document identifier, and saving the internal document identifier to the tracking database as an index for the error data, wherein the internal document identifier is correlated to the received inbound document from the trading partner.

20. (Previously Presented) A computer program product, encoded on a computer readable medium, comprising software code that when executed on a digital computer, tracks inbound documents from trading partners in a business-to-business electronic commerce system by performing steps comprising:

(a) receiving an inbound document from a trading partner;

(b) checking compliance of the document for translation from a source format to a desired target format;

(c) attempting translation of the document, and capturing error data representing errors detected in the translation to a tracking database; and

(d) extracting data from the received inbound document from the trading partner and using it to provide an internal document identifier, and saving the internal document identifier to the tracking database as an index for the error data, said internal document identifier correlated to the received inbound document from the trading partner

21. (Previously Presented) The process as claimed in claim 1, further comprising the step of using the internal document identifier to identify translation error data corresponding to the inbound document from the trading partner and provide information to the trading partner based on the identified translation error data.

22. (Previously Presented) The computer program product as claimed in claim 20, configured for further performing the step of using the internal document identifier to identify translation error data corresponding to the inbound document from the trading partner and provide information to the trading partner based on the identified translation error data.

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None.